



## SCARBOROUGH COMMUNITY LEGAL SERVICES

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695 Markham Road, Suite 9, Scarborough, Ontario M1H 2A5

Telephone (416) 438-7206

Fax (416) 438-9869

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**SENT VIA EMAIL: [consultation@lao.on.ca](mailto:consultation@lao.on.ca)**

Mr. Charles Harnick  
Board Chair  
Legal Aid Ontario  
40 Dundas Street West, Suite 200  
Toronto, Ontario M5G 2H1

Dear Mr. Harnick:

**RE: Submission to the Legal Aid System Modernization Project Consultation**

I am writing to you on behalf of the Board of Directors of Scarborough Community Legal Services ("SCLS"). Please accept this letter as our clinic's written submission to the Legal Aid System Modernization Project Consultation.

SCLS is a community legal clinic that has been providing free legal services to people living in Scarborough east of Midland Avenue since 1982. We provide direct legal services in the areas of housing, social assistance, employment and immigration law.

SCLS endorses and supports the Association of Legal Clinics of Ontario's ("ALCO") submission to this consultation process.

We submit the following for consideration in addition to the ALCO's submission.

**The Community of Scarborough**

Population demographics and poverty indicators in Scarborough are distinctly different from those in the remainder of Toronto. In 2016, and in collaboration with West Scarborough Community Legal Services, SCLS engaged the Mendicant Group to undertake a detailed review of poverty in Scarborough.

As a result of this work we found that:

- The proportion of visible minorities and immigrants is higher in Scarborough than in the rest of Toronto. Specifically, representatives from Black, South Asian, and Chinese communities form the highest number of visible minorities and also settle in Scarborough at higher rates than in other areas in the City of Toronto;
- Scarborough has a higher proportion of people who do not speak either official language;
- Residents of Scarborough typically face more employment challenges than in the rest of the city, with these residents having lower median incomes than other Toronto residents;
- The proportion of children living in households under the Low-Income Cut-Off (“LICO”) is higher in Scarborough than in the rest of Toronto; and,
- Close to half of Toronto’s Neighbourhood Improvement Area’s (NIAs) are located in Scarborough.

The report also found that current studies may in fact underestimate poverty in Scarborough. Given the high proportion of working poor and immigrants in Scarborough, it is very likely that large sections of the population would not have participated in surveys that informed these studies. Many newcomers who are socially marginalized would not voluntarily have participated in censuses, surveys etc., and many come from cultures of origin where government data collection is viewed with suspicion. The scale of poverty within Scarborough, therefore, may well have been underestimated by available studies.

### **Criteria to be used for funding decisions**

We encourage Legal Aid Ontario (“LAO”) and the Ministry of the Attorney General (“MAG”) to consult the ACLCO’s 2016 submission on funding formulas for clinics when determining which criteria to use for funding decisions for community clinics. We agree that a comprehensive allocation formula must take into account a variety of factors, including but not limited to the number of low income people living in the clinic’s catchment area.

We are particularly concerned about this issue in light of LAO’s recent funding decisions made as a result of the budget cuts to LAO this fiscal year. LAO indicated that clinic funding decisions would be based on the Low Income Measure for communities and would specifically consider the impact of funding reductions on racialized communities, amongst other factors. Despite the high percentage of racialized individuals and families

living in our catchment area and the fact that we are among the five lowest resourced clinics across the province per low income person living our catchment area, we were grouped with the Toronto clinics and received a cut to our budget of just over 5%.

LAO and MAG should recognize that the legal needs of low income people across Ontario – and in Scarborough in particular - has not diminished and that greater resources are needed to ensure that vulnerable Ontarians can meaningfully access justice.

### **The Modernization Project Consultation & Terms of Reference**

SCLS welcomes the opportunity to provide information and feedback to LAO and MAG regarding the Legal Aid system in Ontario and the delivery of legal services to Ontario's most vulnerable residents. However, we have serious concerns regarding the Modernization Project's terms of reference and the consultation process undertaken to date.

Given the significant changes being contemplated as a part of the review - including replacing the *Legal Aid Services Act, 1998* - it is essential that LAO and MAG engage in meaningful consultation with the community legal clinic system and our clients before final decisions are made. While we were very grateful to have had a seat at the roundtable meeting with LAO and the Attorney General, Hon. Doug Downey, held in Toronto, most clinics across the province did not have the opportunity to participate in such a meeting. Instead, LAO hosted two virtual town hall meetings for community clinic staff and Board members. These virtual town halls were attended by dozens of people and were one hour in length. This format did not allow for meaningful participation by all those in attendance. This process, combined with written submissions, is not sufficient to ensure meaningful consultation of community legal clinics and our clients regarding modernization.

Further, the Project's terms of reference describe an opaque process that lacks transparency. Specifically, the Terms of Reference note that "[t]he Project is not expected to generate a public report for consideration by government. Reporting will be done through regular machinery of government decision-making structures" and "[t]he discussions and work products undertaken as part of the Project will be treated as confidential and not disclosed to individuals who are not employees or appointees of the Ontario government or Legal Aid Ontario." We submit that the Modernization Project and any changes that result from it should be undertaken and presented in the most open and transparent manner possible. This ensures that Legal Aid service providers,

such as community clinics, and most importantly, Legal Aid clients, understand the process engaged, the findings reached, and the supporting rationale for changes proposed and undertaken. Anything less is not sufficient and will not foster confidence in the “modernized” system.

## **Key Goals of the Project**

The Project’s terms of reference identify the following as some of the key goals of the project:

### *Enhanced accountability*

During the consultation process, LAO has asked questions about how best to ensure that Clinic managers, including Executive Directors, and their Boards of Directors are held accountable for their decisions.

Executive Directors and local community boards - comprised of community members - are accountable to our clients, our clinic’s membership, and to the communities we serve, amongst others. Because clinics are embedded in their local communities, if issues arise with the quality of services being provided, board members can quickly get feedback about these concerns from clients and community agencies. A large bureaucratic management structure does not allow for this kind of direct communication. Further, as noted by the ACLCO in their submissions, local boards, armed with their deep connections to the community, ensure that clients and community members can feel confident in the difficult decisions clinics must make every day to maximize effectiveness with very limited resources.

Additionally, we welcome further dialogue with LAO about how to better engage in quality assurance processes. We do not believe that the details of such a program can be properly consulted about during this larger consultation, but we are happy to provide further directed feedback on this issue as a new program is developed. Quality assurance programs provide valuable information to clinics and, as is the case in any organization, there is room for us to grow and improve. SCLS is committed to delivering high quality legal services and ensuring our clinic is governed and managed appropriately.

### *Modernized service delivery that is integrated and nimble*

We submit that of all the service delivery providers of Legal Aid services in Ontario, community legal clinics are the most nimble and responsive. Each day, our staff members turn and pivot on a moment's notice to ensure our client's urgent needs are met, while still ensuring that our long term strategic goals remain front of mind.

Our ability to be nimble is due in large part to our structure. Independent clinic boards ensure that our services remain client focused and responsive. Our Boards bring local community knowledge that allow us to make informed decisions about the needs of our community. We set the clinic's priorities based on this local knowledge, and can adjust quickly when new information about our community's changing needs comes to light.

In order to ensure that our services remain nimble and responsive, it is imperative that any new legislation that is introduced as a result of this Project codify and protect: 1) independent local board governance, and 2) the board's ability to identify and prioritize its community's needs and determine how best to meet them.

### *Streamlined 'one system' approach to service delivery that prioritizes the needs of low-income clients*

As noted during the consultation process, community legal clinics are already well integrated both with each other and with our local community agencies. Often, our clients need assistance dealing with a variety of legal and non-legal issues. The integrated nature of community clinics allows us to easily coordinate services and connect our clients with outside agencies that can meet their varying needs.

As this Project reviews the kinds of activities that community legal clinics engage in, it is important for LAO and MAG to understand that in addition to our local boards, it is our community development and law reform work that fosters our deep community connections and facilitates our ability to offer seamless service to our clients. This allows us to meet the needs of our low income clients in a way that would never be possible in a large bureaucracy or in the absence of community development work. Community development and law reform work is client service.

During the consultation process, there was discussion of the role of clinics as "hubs". As described above, many clinics already act as hubs in their community, either physically (when co-located with other community agencies) or virtually. The decision about how best to serve as a "hub" or local connection point should be made by local boards who

have the required local knowledge about their community's needs to determine how best to provide wrap around service to their clients.

We also wish to specifically highlight and endorse the ACLCO's submission regarding the possibility of a single point of entry to Legal Aid Services. Our Board fully supports the following submission from the ACLCO on this point:

The ACLCO proposes that entry into the legal aid system be through multiple, community- based points of entry, with each point thoroughly informed of the broad range of services available. This would be the most accessible, and client-oriented, means of entry...

The community legal clinics are trusted resources in their communities; provide services that assist clients in feeling comfortable enough to disclose personal issues; and, move forward at the appropriate pace that takes into account abuse, addiction, or cultural experiences of trauma, etc.

A centralized point of access would risk missing these important issues. If there were only one entry point, it would have to be centralized and could very easily be missed. Multiple points of entry are harder to miss and make access to justice easier.

## **Conclusion**

SCLS thanks you for the opportunity to participate in the consultation process and looks forward to continuing a dialogue with both LAO and MAG regarding the Legal Aid System Modernization Project.

If you have any questions, please do not hesitate to contact me by email at [griffinr3@lao.on.ca](mailto:griffinr3@lao.on.ca) or by telephone at 416-438-7206 extension 26.

Sincerely,  
SCARBOROUGH COMMUNITY LEGAL SERVICES



Renee Griffin  
Executive Director